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Docket No. 51630AUSC1REMARKSStatus of Claims and Claim Amendments

Claims 12-21 were pending. All claims stand rejected.

Claims 16-18 and 21 are cancelled herein, without prejudice to claiming the subject matter thereof in a continuing application.

Claims 12 and 19 are amended to rearrange the order of the listing of groups R⁴, R⁵ and R⁶, at the suggestion of the Examiner, and to correct certain inadvertent typographical errors.

Claim 15 is amended to correct certain inadvertent typographical errors.

Claims 22-25 are added, which find support in the specification and claims as originally filed. Thus, no new matter has been added by this amendment.

The amendments to the claims are not made for substantive reasons related to patentability. They are made merely for purposes of clarification. To the extent that the amendments may avoid the prior art, competitors are warned that the amendments are not intended to and do not limit the scope of equivalents which may be asserted on subject matter outside the literal scope of any patented claims but not anticipated or rendered obvious by the prior art or otherwise unpatentable to applicants.

Rejections under 35 U.S.C. §102(b)

1. Claims 12-14, 17, 19 and 20 have been rejected as being anticipated by Bose (CA 76:85668) and Hollingsworth (CA 54:62618).
2. Claims 12, 14, 17, 19 and 20 have been rejected as being anticipated by Keene (CA 63:24038) and Baberkina (CA 113:78196).
3. Claims 12, 14-17, 19 and 20 have been rejected as being anticipated by Hollingsworth (CA 43:8385), IN 153442 and DE 3305329.

Response: Applicants respectfully traverse each of these rejections. It is believed that the Patent Office has not met its burden of establishing a *prima facie* case of anticipation. Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration (*W.L. Gore & Associates v. Garlock, Inc.*, 220 USPQ 303, at 313 (Fed. Cir. 1983)). There must be no difference between the claimed

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invention and the reference disclosure (*Scripps Clinic & Research Foundation v. Genentech Inc.*, 18 USPQ 2d 1001, at 1010 (Fed. Cir. 1991)).

Applicants' claimed invention requires that R⁴ be a C₁₋₄ alkyl substituted with NR¹⁴R¹⁵ (that is, C₁₋₄ alkyl-NR¹⁴R¹⁵), or alternatively that R⁴ together with R⁵ forms an alkylene moiety. None of the cited references discloses either of these groups of substituents for R⁴. Further, certain of the cited references require nitro (Baberkina), amino (IN and DE) or NMe₂ (Hollingsworth CA 54:62618) as a substituent (corresponding to R⁴, R⁵ or R⁶ in the present invention) on the quinoline. However, neither nitro, amino nor NMe₂ is a claimed value for R⁴, R⁵ or R⁶ in the present invention.

Thus, none of the cited references disclose all of the elements of the claimed invention, and claims 12 and 19 are therefore not anticipated. In view of this, it is requested that this rejection be withdrawn.

Rejection under 35 U.S.C. §112, 2nd

Claim 12 has been rejected as being indefinite. Specifically, the Office Action states that claim 12 is ambiguous due to the definitions of R⁴, R⁴ and R⁵, and R⁵ and R⁶.

Response: While Applicants disagree with this rejection, believing that those skilled in the art would understand what is being claimed by the definitions as originally filed, in order to expedite prosecution to allowance Applicants have rearranged the order of the definitions, as suggested in the Office Action. It is therefore requested that this rejection be withdrawn.

Rejection under 35 U.S.C. §112, 1st

Claims 16, 18 and 21 have been rejected as failing to comply with the written description requirement.

Response: While Applicants disagree with this rejection, this rejection is now moot in view of the cancellation of these claims without prejudice. The rejection will be addressed when and if it is raised in a continuing application.

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CONCLUSION

Applicants respectfully submit that the instant application is now in condition for allowance. Such action is earnestly solicited at an early date.

We believe that no fee is due. Commissioner is hereby authorized to charge any deficiencies or overpayment to Deposit Account No. 02-2117.

Respectfully submitted,
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